

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LINDA BAKER,

Plaintiff,

v.

**PORT AUTHORITY TRANS-HUDSON
CORPORATION,**

Defendant.

07-CV-5621

ANSWER

J. Preska

Defendant, Port Authority Trans-Hudson Corporation (hereinafter "PATH"), by its attorney Milton H. Pachter, with offices at 225 Park Avenue South, New York, New York 10003, as and for its answer to the complaint in the above-entitled action, respectfully shows to this Court as follows:

1. Defendant PATH denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the First Paragraph of the Verified Complaint.

2 Defendant PATH denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Second Paragraph of the Verified Complaint except admits that the Port Authority is a body, corporate and politic, created by Compact between the States of New York and New Jersey with consent of the Congress of the United States and that PATH is a wholly-owned corporate subsidiary of the Port Authority.

3. Defendant PATH admits the allegation contained in the Third Paragraph of the Verified Complaint.

4. Defendant PATH admits the allegation contained in Fourth Paragraph of the Verified Complaint.

5. Defendant PATH denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Fifth Paragraph of the Verified Complaint.

6. Defendant PATH denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Sixth Paragraph of the Verified Complaint.

7. Defendant PATH denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Seventh Paragraph of the Verified Complaint.

8. Defendant PATH denies each and every one of the allegations contained in the Eighth Paragraph of the Verified Complaint.

9. Defendant PATH denies each and every one of the allegations contained in the Ninth Paragraph of the Verified Complaint.

10. Defendant PATH denies each and every one of the allegations contained in the Tenth Paragraph of the Verified Complaint.

11. Defendant PATH denies each and every one of the allegations contained in the Eleventh Paragraph of the Verified Complaint.

12. Defendant PATH denies each and every one of the allegations contained in Twelfth Paragraph of the Verified Complaint.

13. Defendant PATH denies each and every one of the allegations contained in Thirteenth Paragraph of the Verified Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

14. This defendant was not negligent.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

15. That the alleged incident and damages, if any, alleged to have been sustained by plaintiff on the occasion mentioned in her Verified Complaint were wholly or in part caused by the culpable conduct of the plaintiff and plaintiff's damages, if any, shall be diminished by the percentage of plaintiff's negligence under the applicable law.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

16. The accident or incident and the damages, if any, sustained by the plaintiff and/or alleged in the Verified Complaint were the result of the negligence of third persons, not parties to this action, over whom this defendant had no control.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

17. The damages, if any, sustained by this plaintiff were the result of an unavoidable accident or incident over which this defendant had no control.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

18. The Verified Complaint fails to state a cause of action upon which relief can be granted.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

19. Congress did not intend to have the Federal Employees Liability Act apply to state-run railroads.

JURY DEMAND

PLEASE TAKE NOTICE that Defendant PATH demands trial by jury on all issues of the Verified Complaint.

Dated: New York, New York
August 2, 2007

MILTON H. PACHTER, ESQ.
Attorney for Defendant
PORT AUTHORITY TRANS-HUDSON
CORPORATION

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